

IN THE UNITED STATES DISTRICT  
COURT FOR THE ~~MIDDLE~~ District  
OF ALABAMA, Northern Division

Jimmie E. PARKER  
Plaintiff, Pro Se  
v.

Trey King, et. al.  
Defendants

BRAD P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA  
Case No. 2:07-  
CV-624-WKW  
(WO)

Plaintiffs Objections to the  
Court's Recommendation of  
Sept. 11<sup>th</sup> 2007

On Sept. 11<sup>th</sup> 2007, The Court  
again denied Plaintiff's Motion for  
Preliminary Injunction.  
Plaintiff objects on the following  
grounds:

Court's Document #28 pg 20 and pgs. 14-20

- (1) Once again the Court points to the  
Alaska case, and on pg 20 the Court  
itself states "the Act does not  
restrain activities sex offenders may  
pursue but leaves them free to change  
jobs or residences."

(1)

This is in reference to the ALASKA ACT whereas ALABAMA'S ACT RESTRICTS WHEN AND WHERE AN OFFENDER MAY WORK AND/OR RESIDE.

So when ALABAMA'S ACT is applied RETROACTIVELY to an offense occurring before the effective date of the ACT imposes restrictions on LIBERTY AND the PURSUIT of HAPPINESS.

THESE ARE FUNDAMENTAL AND INALIENABLE RIGHTS AND CAN NEVER BE REMOVED RETROACTIVELY for a past conviction without violating ALABAMA AND FEDERAL CONSTITUTIONAL LAWS AGAINST DOUBLE JEOPARDY EX POST FACTO LAWS, AND THE SEPARATION OF POWERS DOCTRINE, AND DUE PROCESS IS VIOLATED when such restrictions are imposed for a past conviction even though due process may be served when the ACT is applied PROSPECTIVELY to a conviction occurring after the effective date of the ACT.

SEE LANGRISH V. U.S.I. FILM PRODS.,

511 U.S. 244, 128 L.ED. 2d 229 (1994)

AND ART I SEC. 10 CL. 9 of the US FEDERAL CONST. STATES "NO STATE SHALL PASS ANY BILL OF ATTAINDER OR EX POST FACTO LAW.

To violate Art I sec. 10 cl 9 of the Federal Const., the Act.

1. MUST be retroactive, applying to events occurring before its enactment.
2. MUST disadvantage the offender effected by it, i.e., change legal consequences, or alter a substantial Right. A judicial enlargement of a statute, i.e., retroactive application operates precisely as an *ex post facto* law. — *Collins vs. Youngblood*, 497 U.S. 37, 111 LEd 2d. 30 (1990)

Alabama's Act has evolved into something much more than Alaska's, which requires only registration and notification via the Internet. When Alabama's Act imposed the advanced notice of changes in employment and residence and restrictions on where an offender could live and work Alabama's Act imposed restrictions on liberty and the pursuit of happiness and is now no longer comparable to Alaska Act because of this.

ONCE ONE REGISTERS IN ALASKA THATS  
 IT TILL NEXT REGISTRATION BUT ONCE  
 ONE REGISTERS IN ALABAMA PROSECUTION  
 COULD ENSUE FROM INFORMATION OBTAINED  
 FROM THE REGISTRANT FOR VIOLATIONS  
 OF THE ADVANCED NOTICE OF CHANGES  
 AND/OR VIOLATIONS OF THE RESTRICTIONS  
 OF RESIDENCE AND EMPLOYMENT LOCATIONS  
 IN VIOLATION OF ALABAMA AND FEDERAL  
 CONST. LAWS AGAINST SELF INCRIMINATION.  
 THEREFORE ANY COMPARISION BETWEEN  
 ALASKA'S AND ALABAMA'S ACT IS NOT,  
 THEY ARE NOT THE SAME.

ALASKA'S ACT IMPOSES NO RESTRICTIONS ON  
 LIBERTY AND THE PURSUIT OF HAPPINESS  
 ALABAMA'S ACT DOES, AND THE REMOVAL  
 OF CONST VESTED FUNDAMENTAL INALIENABLE  
 RIGHTS, IS PUNISHMENT AND CAN BE CONSIDERED  
 NOTHING ELSE AND WHEN APPLIED RETROACTIVELY  
 VIOLATES EX POST FACTO, DOUBLE SEPARADY  
 THE SEPARATION OF POWERS DOCTRINE AND  
 DUE PROCESS.

Cummings V. Missouri, 71 U.S. 277,  
18 L Ed. 356 (1867)

CUSTODY GENERALLY ENCOMPASSES MOST RESTRICTIONS  
 ON LIBERTY RESULTING FROM A CRIMINAL  
 CONVICTION, I.E. PUNISHMENT

PACK VS. YUSUFF 218 F3d 448, 445,  
 5<sup>TH</sup> CIR (2000)  
 (4)

cited in footnotes no. #51 of  
Kirk vs. Collier, U.S. Lexis 70434,  
(5<sup>th</sup> Dist. 2006)

Plain and Obvious meaning that "No State  
shall pass any Ex Post Facto Law, is  
that Legislatures shall not pass laws  
after an act done, which shall have  
relation to such act 'OR' shall punish  
Calder V. Bull, 3 U.S. 386, 390  
1 Fed 648 (1798)

(2) Courts Document #28 pg 29

3. equal Protection

The only Equal Protection Claim  
made by Plaintiff was in the original  
complaint with regards to advance  
notice of residence 45 days prior to  
release from custody.

Original Complaint pg. (A14) Ground 16

As this issue is now moot Plaintiff  
withdraws Any Equal Protection Claims.

(3) Courts Document #28 pg 30

Although Plaintiff does challenge the  
Residence and Employment restrictions and  
the advance notice of changes of same  
as overly broad and void for vagueness  
the court refuses to recognise Plaintiff  
assertions that these restrictions and  
(5)



AND REQUIREMENTS IMPOSES RESTRICTIONS  
OF AND/OR REMOVES FUNDAMENTAL  
INALIENABLE RIGHTS OF LIBERTY AND  
THE PURSUIT OF HAPPINESS -  
AND WHEN APPLIED RETRO FOR A CONVICTION  
OCCURRING BEFORE THE EFFECTIVE DATE OF  
THE ACT VIOLATES EX POST FACTO  
DOUBLE JEOPARDY, DUE PROCESS AND  
THE SEPARATION OF POWERS DOCTRINE

(4.) Courts Document #28 pg 24

2. DUE PROCESS

"States,"

TO SUCCEED ON A PROCEDURAL DUE PROCESS  
CLAIM PARKER MUST ESTABLISH THAT

1. The - Act deprives him of a protected  
liberty interest

2. The PROCEEDURES ACCOMPANYING THE  
DEPRIVATIONS ARE CONST. INADEQUATE -

AS STATED IN PLAINTIFFS' LAST FILED  
OBJECTION, HE WAS PRESENTED WITH THE  
OPPORTUNITY TO TRAVEL TO ANOTHER STATE  
FOR A JOB ~~ON~~ ON AS LITTLE AS A WEEKS  
OR LESS NOTICE BUT WAS RESTRAINED FROM  
EXERCISING HIS FUNDAMENTAL INALIENABLE RIGHTS  
OF LIBERTY, THE PURSUIT OF HAPPINESS AND HIS  
RIGHT OF INTERSTATE TRAVEL DUE TO THE

(6)

Retractive application of the Act,  
Removal of these fundamental  
Inalienable Rights is Punishment  
and the Retractive Removal of these  
fundamental Inalienable Rights violates  
DUE PROCESS

(5.) Courts Document #28 pg. 29

4. Separation of Powers Doctrine  
Plaintiff did challenge on the  
grounds stated by the Court  
but once again the Court Refuses  
to recognise Plaintiff also challenges  
the Legislature of violating the  
separation of Powers Doctrine  
by imposing punishment for a past  
conviction, ~~etc~~

Any suspension or deprivation of these  
rights for Past Conduct is Punishment  
and cannot be otherwise defined,

Cummings v. Missouri, 71 U.S. 277,  
18 L.Ed. 356 (1867)

Legislatures shall not pass laws after  
an Act done which shall have relation to  
such act or shall punish

Calder v. Bull, 3 U.S. 386, 390  
1 L.Ed. 648 (1798)  
(7)

(6) The Court makes no mention or refuses to recognize Plaintiff's ground that Registration removes Const. vested rights against self incrimination.

As stated earlier Alaska's Act cannot be used for comparison because it places no restrictions on when and where one may live and work as does Alabama's Act, See Plaintiff's original Complaint.

Pg. (A.15) Ground 17 and last filed Objection. pg 3, no. 1

Registration is compelled by statute and coerced under pain of prosecution. Registration removes Plaintiff's Const. vested rights against self incrimination as the likelihood of harmful and/or injurious disclosure is real and substantial.

see. Al. Const. of 1901 Art. I sec. 36, states,  
Every thing in the Declaration of Rights is excepted out of the general powers of government and shall forever remain inviolate, if 2 provisions of the Const. conflict Art. I will prevail  
Art. I sec. 6 of the Al. Const,  
SELF INCRIMINATION,

(8)



ONE shall NOT be compelled to  
GIVE EVIDENCE AGAINST ONESELF,  
AND SEE

U.S. Federal CONST. Amend. 5, one shall  
NOT be compelled to be witness against  
ONESELF AND SEE,  
DAXTER V. PALMIGIANO 425 U.S. 308  
47 L. Ed. 810, 96 S. Ct. 1531 (1996) -  
- ONE is privileged NOT to ANSWER  
to official questions in ANY proceeding  
civil, criminal, formal OR informal,  
where answers might INCRIMINATE OR  
form basis of investigation for future  
criminal proceedings

The Likelihood of injurious disclosure  
not prosecution prompts the Right  
Against Self incrimination  
Letkowitz V. Turley 38 L. Ed. 274 (1973)

Notwithstanding phrase "in ANY criminal  
CASE" in text of SELF INCRIMINATION CLAUSE  
of Federal CONST's 5th Amend., CLAUSES  
protection encompasses compelled statements  
that lead to discovery of incriminating  
evidence EVEN though statements themselves ARE  
NOT incriminating AND ARE not introduced  
into evidence, U.S. V. HUBBELL, 147 L. Ed. 2d 24  
(9) (2000)

## CONCLUSION

THE COURT AND DEFENDANTS HAVE ADROITLY REFUSED TO RECOGNISE AND/OR ACKNOWLEDGE WHAT PLAINTIFF CONSIDERS TO BE AT THE HEART OF THE COMPLAINT AND REFUSES TO ACKNOWLEDGE THAT ALABAMA'S ACT HAS EVOLVED INTO SOMETHING QUITE DIFFERENT FROM ALASKA'S ACT WHICH IT CONTINUES TO COMPARE ALABAMA'S ACT TO. THE COURT REFUSES TO RECOGNISE THAT PLAINTIFFS FUNDAMENTAL AND INALIENABLE RIGHTS OF LIBERTY AND THE PURSUIT OF HAPPINESS ARE BEING RESTRICTED AND/OR REMOVED BY THE RETROACTIVE APPLICATION OF THE ACTS RESIDENCY AND EMPLOYMENT PROVISION WHICH DIRECT WHEN AND WHERE PLAINTIFF CAN WORK AND LIVE.

THE COURT REFUSES TO RECOGNISE THAT DUE TO THESE PROVISIONS AND RESTRICTIONS, REGISTRATION REMOVES THE CONST. VESTED RIGHT AGAINST SELF INCRIMINATION, AND THAT REMOVAL OF CONST VESTED RIGHTS IS PUNISHMENT AND CANNOT BE RETROACTIVELY APPLIED TO A CONVICTION OCCURRING BEFORE THE ACT'S EFFECTIVE DATE,

AND THE COURT REFUSES TO CONSIDER ALABAMA'S LEGISLATURE VIOLATED THE SEPARATION OF POWERS DOCTRINE  
(10)

if it indeed intended the Act to apply retro to convictions occurring prior to the Act.

As for the prerequisite for preliminary injunction the Court would have one believe it must be in the best interest of the public. Doc. #28pg 31, when in reality it must not be adverse to the public interest, this section of public interest in Plaintiff's whereabouts is adequately covered under AL Title Code 13A-11-200 - Registration of Sex Offenders, which plaintiff concedes he is required to register under. If injunction does not issue Plaintiff's Const. Vested Fundamental Inalienable Rights of Liberty and the Pursuit of Happiness will continue to be illegally retroactively denied by this most oppressive set of statutes known as the AL. Comm. Not. Act. And other Const Vested Rights such as Rights against self incrimination, the Right of Interstate travel, the Rights of Close family association, and the Right to freely apply his trade, will continue to be

illegally retroactively denied  
in violation of Const Law and  
Rights GUARANTEED AND PROTECTED  
by the Const.

Therefore Plaintiff prays this Court  
issue this PRELIMINARY Injunction.

Also Plaintiff respectfully requests  
the Court treat this Objection  
and Plaintiff's last filed objection  
as a motion for summary judgement  
as a matter of Law, both Const. and  
Relevant Case Law.

Respectfully Submitted  
this 19<sup>th</sup> day of Sept., 2007

Jimmie E. Parker

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Certificate of Service under  
28 U.S.C. 1746

I certify that I have this 19<sup>th</sup> day of Sept, 2007 served a true copy of the foregoing on all Defendants listed and addressed below by placing same in the U.S. Mail, with proper postage affixed.

AL. Attny. Gen. Troy King  
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